

REMARKS

Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

Claims 1-6, 8-29, and 31-35 remain in the application. New dependent claims 36-38 have been added. In response to the February 12, 2003 Office Action, independent claims 1, 17, 21, and 27 have been amended in this paper.

The Examiner rejected independent claim 1 as anticipated by U.S. Patent No. 6,190,403 to Fischell et al ("Fischell"), referring specifically to Fig. 7 of Fischell. Applicants respectfully disagree with the Examiner. Figure 7 of Fischell depicts apertures, as indicated by the Examiner's shading of Fig. 7 attached to the Office Action, that are either disposed between adjacent undulating links, between a portion of an undulating link and a portion of a cylindrical ring, or between portions of the cylindrical ring. Claim 1 specifically claims an aperture that is disposed in the connecting link, and is therefore not anticipated by Fischell.

Moreover, to more clearly distinguish the present invention from the prior art, applicants have amended claim 1 to more clearly define the link between the cylindrical rings. In particular, applicants have made clear that the present invention includes a link that has a first and second portion, each of which is only connected to one of the cylindrical rings, and that a completely bounded aperture is disposed between those link portions. In other words, the aperture is effectively disposed in a single link with a

completely bounded aperture between the ends of the single link. In Fischell, the aperture is formed by two different links, and each of the two links are connected to adjacent cylindrical rings. In view of the amendment to claim 1, applicants respectfully submit that the invention is patentable over Fischell.

The Examiner rejected claims 1, 17, and 21 as obvious over Von Oepen in view of Ley et al ("Ley"). The Examiner stated that it would have been obvious to replace the S-shaped link portion of Von Oepen with the dog bone of aperture of Ley, and then to vary the shape of Ley to other shapes that would be equivalent with Ley. Applicants respectfully disagree. The dog bone shape in Ley does not even appear to be part of a link between cylindrical rings; it is a completely different shape in a stent that does not appear to even have a ring and link design. According to Ley, its design is cellular rather than ring and link. See Col. 2, lines 35-40. Moreover, the s-shaped portion in the link in Von Oepen is not closed, i.e., completely bounded. Applicants respectfully submit that no motivation to replace the intermediate link structure in Von Oepen that is not closed and does not have a completely bounded aperture with the dog bone shape in Ley, i.e., a completely bounded aperture, that is not part of a link is taught by Von Oepen, Ley, or the prior art of record. Applicants respectfully submit that such a combination is based on hindsight.

Applicants have, as noted above, amended claim 1 to more clearly distinguish the present invention from the prior art. The amendments include the first and second link portions that are only connected to one cylindrical ring, and also that the aperture is completely bounded, which Von Oepen is not. Applicants have also made a similar

amendment to independent claims 17 and 21. As a result, applicants respectfully submit that such a distinction renders the present invention patentable over Von Oepen in view of Ley.


The Examiner also rejected independent claim 27 over Penn in view of Ogi et al (Ogi) and further in view of Ley. As with the rejections based on Von Oepen in view of Ley, applicants respectfully submit that the cited prior art does not provide a motivation to make such a combination, nor does the prior art of record. Applicants submit that to make such a combination is a matter of hindsight, and therefore improper.

Applicants have added claims 36, 37, and 38, which depend respectively from claims 1, 17, and 27. Each claim adds the limitation that the first and second link portions are parallel to the stent's longitudinal axis. Applicants respectfully submit that because these claims depend from allowable independent claims, they are allowable. In addition, applicants respectfully submit that the cited prior art does not contain the new limitations, therefore rendering claims 36-38 patentable over the cited art.

In view of the preceding comments and the amendments to the claims, applicants submit that the claims as presently drafted are in condition for allowance. A prompt Notice of Allowability is respectfully solicited.

Respectfully submitted,

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